

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY (TRENTON)	
RAS Citron, LLC 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number 470-321-7112 Attorneys for Secured Creditor U.S. Bank National Association, as Trustee for TBW Mortgage-Backed Trust 2006-6, TBW Mortgage Pass-Through Certificates, Series 2006-6 Aleisha C. Jennings, Esq. (AJ-2114)	CASE NO.: 19-27331-MBK CHAPTER 13 Objection to Confirmation of Debtor's Chapter 13 Plan
In Re: Omar A. Ferguson Debtor.	

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

U.S. Bank National Association, As Trustee for TBW Mortgage-Backed Trust 2006-6, TBW Mortgage Pass-Through Certificates, Series 2006-6 ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # 2), and states as follows:

1. Debtor, Omar A. Ferguson, ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on September 09, 2019.
2. Secured Creditor holds a security interest in the Debtor's real property located at 3019 Tiller Trail, Stone Mountain, GA 30087, by virtue of a Mortgage recorded on October 25, 2006 in Book 47171, at Page 2 of the Clerk Superior Court of Gwinnett County, GA. Said Mortgage secures a Note in the amount of \$93,900.00.
3. The Debtor filed a Chapter 13 Plan on September 09, 2019.
4. Debtor's Plan evidences an intent to seek a loan modification with Secured Creditor. Thus far, loan modification has not been offered or approved. Debtor is obligated to fund a Plan which is feasible to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C § 1322(b)(5). Therefore, in the event that any loan modification

efforts are not successful, the plan fails to satisfy the confirmation requirements of 11 U.S.C § 1325(a)(1).

5. Additionally, the Plan includes payments toward the Note and Mortgage with Secured Creditor, however the figures used by the Debtor are inaccurate and do not conform to Secured Creditor's timely-filed Proof of Claim 8-1. The correct pre-petition arrearage due Secured Creditor is \$13,631.95, whereas the Plan proposes to pay only \$12,893.89. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan which proposes to pay it anything less than \$13,631.95 as the pre-petition arrearage over the life of the plan.

WHEREFORE, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

Dated: November 1, 2019

RAS Citron, LLC
Attorney for Secured Creditor
130 Clinton Road, Suite 202
Fairfield, NJ 07004
Telephone Number 470-321-7112

By: /s/Aleisha C. Jennings
Aleisha C. Jennings, Esquire
NJ Bar Number AJ-2114
Email: ajennings@rasnj.com

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY (TRENTON)	
RAS Citron, LLC 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number 470-321-7112 Attorneys for Secured Creditor U.S. Bank National Association, as Trustee for TBW Mortgage-Backed Trust 2006-6, TBW Mortgage Pass-Through Certificates, Series 2006-6 Aleisha C. Jennings, Esq. (AJ-2114)	CASE NO.: 19-27331-MBK CHAPTER 13 Objection to Confirmation of Debtor's Chapter 13 Plan
In Re: Omar A. Ferguson Debtor.	

CERTIFICATION OF SERVICE

1. I, Aleisha C. Jennings, represent U.S. Bank National Association, As Trustee for TBW Mortgage-Backed Trust 2006-6, TBW Mortgage Pass-Through Certificates, Series 2006-6 in this matter.
2. On November 1, 2019, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below: Objection to Confirmation of Plan.
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: November 1, 2019

RAS Citron, LLC
Attorney for Secured Creditor
130 Clinton Road, Suite 202
Fairfield, NJ 07004
Telephone Number 470-321-7112

By: /s/Aleisha C. Jennings
Aleisha C. Jennings, Esquire

NJ Bar Number AJ-2114
Email: ajennings@rasnj.com

<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Russell L. Low Low & Low 505 Main St. Suite 304 Hackensack, NJ 07601	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
Omar A. Ferguson 550 East Maple Avenue Woodbridge, NJ 07095	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
Albert Russo CN 4853 Trenton, NJ 08650-4853	Chapter 13 Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	US Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)